

FILED  
JULIE ANN  
CLERK

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION**

07 FEB 14 AM 11:28

**IN RE: CHRISTIAN DEAN ROTHERMEL (0043140)**

**Case Number: 3:00mc-36-SSB**

**ORDER**

It appearing to the Court that on February 7, 2007, the Supreme Court of Ohio has entered an Order permanently disbarring, **CHRISTIAN DEAN ROTHERMEL** from the practice of law in Ohio pursuant to Gov. Bar R. V(6)(B)(1) of the Supreme Court Rules for the Government of the Bar of Ohio.

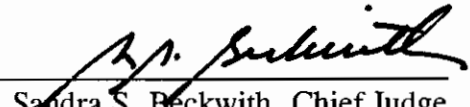
**NOW, THEREFORE**, in accordance with Rule II (E) of the Model Federal Rules of Disciplinary Enforcement, adopted by this Court, February 1, 1979,

**IT IS ORDERED** that **CHRISTIAN DEAN ROTHERMEL** shall show cause, if any he has, within thirty (30) days after service of this Order, of any claim under the grounds set forth in Section (D) of said Rule II, why this Court should not impose the identical discipline on him heretofore imposed by the Supreme Court of Ohio. Said **CHRISTIAN DEAN ROTHERMEL** is admonished that his failure to show cause within 30 days by a pleading filed with the Clerk of this Court shall be deemed a waiver of his rights in the premises and constitute grounds for this Court to enter the Order prescribed herein.

**IT FURTHER APPEARING** to the Court that **CHRISTIAN DEAN ROTHERMEL** has been forbidden by the Supreme Court of Ohio to appear on behalf of another before any court, judge, commission, board, administrative agency or other public authority, the said **CHRISTIAN DEAN ROTHERMEL**, until final resolution of this matter in this Court, shall not represent or continue to represent any person in this Court.

**IT IS FURTHER ORDERED** that the Clerk of this Court shall cause a copy of this Order and the Order of the Supreme Court of Ohio entered February 7, 2007, to be served on said **CHRISTIAN DEAN ROTHERMEL**, by certified mail, return receipt requested, at 2645 Oxford-Middletown Road, Hamilton, OH 45013.

**IT IS SO ORDERED.**

  
Sandra S. Beckwith, Chief Judge  
United States District Court

# The Supreme Court of Ohio

FILED

FEB 07 2007

Case No. 06-1639

MARCIA J. MENGEL, CLERK  
SUPREME COURT OF OHIO

Cincinnati Bar Association,  
Relator,  
v.  
Christian Dean Rothermel,  
Respondent.

ON CERTIFIED REPORT BY THE  
BOARD OF COMMISSIONERS ON  
GRIEVANCES AND DISCIPLINE OF  
THE SUPREME COURT

## ORDER

The Board of Commissioners on Grievances and Discipline filed its Final Report in this court on August 31, 2006, recommending that pursuant to Rule V(6)(B)(1) of the Supreme Court Rules for the Government of the Bar of Ohio the respondent, Christian Dean Rothermel, be permanently disbarred from the practice of law. Respondent filed no objections to said Final Report, and this cause was considered by the court. On consideration thereof,

It is ordered and adjudged by this court that pursuant to Gov.Bar R. V(6)(B)(1), respondent, Christian Dean Rothermel, Attorney Registration Number 0043140, last known business address in Hamilton, Ohio, be permanently disbarred from the practice of law consistent with the opinion rendered herein.

It is further ordered that respondent immediately cease and desist from the practice of law in any form and is hereby forbidden to appear on behalf of another before any court, judge, commission, board, administrative agency or other public authority.

It is further ordered that respondent is hereby forbidden to counsel or advise or prepare legal instruments for others or in any manner perform such services.

It is further ordered that respondent is hereby divested of each, any and all of the rights, privileges and prerogatives customarily accorded to a member in good standing of the legal profession of Ohio.

It is further ordered that respondent surrender respondent's certificate of admission to practice to the clerk of the court on or before 30 days from the date of this order, and that respondent's name be stricken from the roll of attorneys maintained by this court.

It is further ordered that respondent be taxed the costs of these proceedings in the amount of Ten Dollars and Forty-Five Cents (\$10.45), which costs shall be payable to this court by certified check or money order on or before 90 days from the date of this order. It is further ordered that if these costs are not paid in full on or before 90 days from the date of this order, interest at the rate of 10% per annum shall accrue as of 90

days from the date of this order, on the balance of unpaid Board costs, respondent will be found in contempt of the Supreme Court, and the matter will be referred to the office of the Attorney General for collection.

It is further ordered, sua sponte, by the court, that within 90 days of the date of this order, respondent shall reimburse any amounts that have been awarded against the respondent by the Clients' Security Fund pursuant to Gov.Bar R. VIII(7)(F). It is further ordered, sua sponte, by the court that if, after the date of this order, the Clients' Security Fund awards any amount against the respondent pursuant to Gov.Bar R. VIII(7)(F), the respondent shall reimburse that amount to the Clients' Security Fund within 90 days of the notice of such award.

It is further ordered that on or before 30 days from the date of this order, respondent shall:

1. Notify all clients being represented in pending matters and any co-counsel of respondent's disbarment and consequent disqualification to act as an attorney after the effective date of this order and, in the absence of co-counsel, also notify the clients to seek legal service elsewhere, calling attention to any urgency in seeking the substitution of another attorney in respondent's place;
2. Regardless of any fees or expenses due respondent, deliver to all clients being represented in pending matters any papers or other property pertaining to the client, or notify the clients or co-counsel, if any, of a suitable time and place where the papers or other property may be obtained, calling attention to any urgency for obtaining such papers or other property;
3. Refund any part of any fees or expenses paid in advance that are unearned or not paid, and account for any trust money or property in the possession or control of respondent;
4. Notify opposing counsel in pending litigation or, in the absence of counsel, the adverse parties of respondent's disqualification to act as an attorney after the effective date of this order, and file a notice of disqualification of respondent with the court or agency before which the litigation is pending for inclusion in the respective file or files;
5. Send all such notices required by this order by certified mail with a return address where communications may thereafter be directed to respondent;
6. File with the Clerk and the Disciplinary Counsel of the Supreme Court an affidavit showing compliance with this order, showing proof of service of notices required herein, and setting forth the address where respondent may receive communications; and

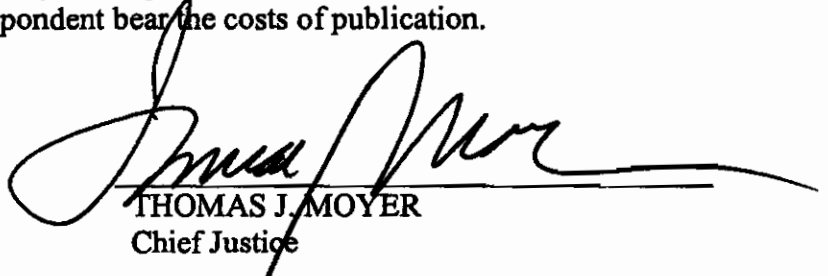
7. Retain and maintain a record of the various steps taken by respondent pursuant to this order.

It is further ordered that until such time as respondent fully complies with this order, respondent shall keep the Clerk, the Cincinnati Bar Association, and the Disciplinary Counsel advised of any change of address where respondent may receive communications.

It is further ordered, sua sponte, that all documents filed with this court in this case shall meet the filing requirements set forth in the Rules of Practice of the Supreme Court of Ohio, including requirements as to form, number, and timeliness of filings.

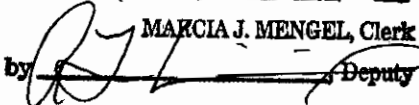
It is further ordered, sua sponte, that service shall be deemed made on respondent by sending this order, and all other orders in this case, by certified mail to the most recent address respondent has given to the Attorney Registration Section.

It is further ordered that the clerk of this court issue certified copies of this order as provided for in Gov.Bar R. V(8)(D)(1), that publication be made as provided for in Gov.Bar R. V(8)(D)(2), and that respondent bear the costs of publication.

  
THOMAS J. MOYER  
Chief Justice

I HEREBY CERTIFY that this document  
is a true and accurate copy of the  
entry of the Supreme Court of Ohio  
filed 2/7/07 in Supreme  
Court case number 06-1639

In witness whereof I have hereunto  
subscribed my name and affixed the  
seal of the Supreme Court of Ohio  
on this 7 day of Feb., 2007

  
MARCIA J. MENGEL, Clerk  
by                      Deputy



[Cite as *Cincinnati Bar Assn. v. Rothermel*, 112 Ohio St.3d 443, 2007-Ohio-258.]

**CINCINNATI BAR ASSOCIATION v. ROTHERMEL.**

**[Cite as *Cincinnati Bar Assn. v. Rothermel*,**

**112 Ohio St.3d 443, 2007-Ohio-258.]**

*Attorneys — Misconduct — Conduct prejudicial to the administration of justice —  
Conduct adversely reflecting on fitness to practice law — Practicing law  
in violation of jurisdictional regulations — Permanent disbarment.*

(No. 2006-1639 — Submitted November 15, 2006 — Decided February 7, 2007.)

ON CERTIFIED REPORT by the Board of Commissioners on Grievances and  
Discipline of the Supreme Court, No. 05-090.

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**Per Curiam.**

{¶ 1} Respondent, Christian Dean Rothermel of Hamilton, Ohio, Attorney Registration No. 0043140, was admitted to the practice of law in Ohio in 1977.

{¶ 2} On December 31, 1984, we suspended respondent from practice for one year for professional misconduct involving conversion of client trust funds, failure to disburse funds held on a client's behalf, and failure to maintain the identity of client funds in a trust account. See *Disciplinary Counsel v. Rothermel* (1984), 15 Ohio St.3d 121, 15 OBR 272, 472 N.E.2d 1072. Respondent was eventually reinstated. See *Disciplinary Counsel v. Rothermel* (1999), 86 Ohio St.3d 1215, 716 N.E.2d 712. On December 15, 2004, we suspended respondent's license to practice again, this time for an indefinite period, for his failure to maintain the identity of client funds, his failure to keep complete records of client property in his possession, and his acts of fraud, deceit, dishonesty, or misrepresentation. See *Cincinnati Bar Assn. v. Rothermel*, 104 Ohio St.3d 413, 2004-Ohio-6559, 819 N.E.2d 1099.

## SUPREME COURT OF OHIO

{¶ 3} On October 10, 2005, relator, Cincinnati Bar Association, charged respondent with additional counts of professional misconduct. Respondent was served the complaint but did not answer, and relator moved for default pursuant to Gov.Bar R. V(6)(F). A master commissioner appointed by the Board of Commissioners on Grievances and Discipline granted the motion, making findings of misconduct and a recommendation, which the board adopted.

## Misconduct

~~{¶ 4}~~ The complaint charged respondent with three counts of misconduct, the third of which was recommended for dismissal because it was not supported by the sworn or certified documentary prima facie evidence required by Gov.Bar R. V(6)(F)(1)(b). On review, we adopt the recommendation to dismiss. Accord *Toledo Bar Assn. v. Dewey*, 98 Ohio St.3d 418, 2003-Ohio-1495, 786 N.E.2d 453, ¶ 2.

*Count I*

{¶ 5} Bradley Abrams retained respondent to sue a business associate sometime after June 10, 2000, the day on which Abrams was involved in an accident and suffered a traumatic brain injury. The injury left Abrams with permanent brain damage resulting in memory loss and periods of extreme agitation. Abrams paid respondent \$5,000 in September 2001.

{¶ 6} On February 24, 2004, while still representing Abrams, respondent convinced his client to lend him \$15,000, ostensibly to finance the expansion of his law practice. The note for the loan required payment of the entire debt on August 24, 2004. Respondent offered no collateral to secure the loan, and he did not repay the loan as promised. According to the March 8, 2006 affidavit of Abrams's mother, respondent has made only three payments, totaling \$2,400, on the debt.

{¶ 7} Abrams's case against his business associate was tried, apparently by respondent, before a magistrate on December 6, 2004. Respondent's license to

January Term, 2007

practice law was indefinitely suspended on December 15, 2004, and the magistrate ruled against Abrams on January 25, 2005. Despite the continuing status of their professional relationship, including the possibility of an appeal, respondent failed to notify Abrams of his suspension as ordered by this court.

*Count II*

{¶ 8} Despite his indefinite suspension on December 15, 2004, respondent also ignored this court's order by continuing to represent clients before the United States Bankruptcy Court for the Southern District of Ohio. On January 5, 2005, according to the federal court's operations and personnel manager, respondent filed plans for Chapter 13 relief in that court on behalf of two clients. On January 11, 2005, for yet a third Chapter 13 client, respondent filed a motion to reinstate a case that had been dismissed.

{¶ 9} By improperly borrowing money from Abrams and never fully repaying the loan, as alleged in Count I of the complaint, respondent violated DR 1-102(A)(4) (prohibiting conduct involving dishonesty, fraud, deceit, or misrepresentation) and 5-104(A) (prohibiting a lawyer from entering a business transaction with a client if the lawyer and client have differing interests unless the client has given informed consent). We also agree with the board that respondent violated Gov.Bar R. V(6)(A)(1) by failing to notify Abrams of his indefinite suspension in accordance with our order. The board, relying on the master commissioner's report, further found respondent in violation of two related prohibitions — DR 1-102(A)(5) (prohibiting conduct prejudicial to the administration of justice) and 1-102(A)(6) (prohibiting conduct that adversely reflects on a lawyer's fitness to practice); however, we do not find these violations, because they were not charged in relator's complaint. Accord *Cincinnati Bar Assn. v. Deaton*, 102 Ohio St.3d 19, 2004-Ohio-1587, 806 N.E.2d 503, ¶ 24, fn. 2.



## SUPREME COURT OF OHIO

{¶ 10} As to Count II, we agree with the board that respondent's continued representation in bankruptcy court violated DR 3-101(B) (prohibiting a lawyer from practicing in violation of jurisdictional regulations) and Gov.Bar R. V(6)(A)(1). We do not, however, adopt the board's findings that respondent violated DR 1-102(A)(6) and Gov.Bar R. V(8)(E), again because these violations were not charged against respondent. *Deaton*, supra.

## Sanction

{¶ 11} When imposing a sanction for attorney misconduct, "we consider the duties violated, the actual or potential injury caused, the attorney's mental state, the existence of aggravating or mitigating circumstances, and sanctions imposed in similar cases." *Stark Cty. Bar Assn. v. Ake*, 111 Ohio St.3d 266, 2006-Ohio-5704, 855 N.E.2d 1206, ¶ 44. We have already identified the professional duties respondent violated, and his mental state is not in dispute. Moreover, the injury to his clients and the judicial system is obvious – respondent acted in his own interest, and to Abrams's detriment, in taking his client's money, and also disregarded a court order that had been issued for the public's protection.

{¶ 12} Thus, all that is left is to weigh the aggravating and mitigating features of respondent's case. See Section 10 of the Rules and Regulations Governing Procedure on Complaints and Hearings Before the Board of Commissioners on Grievances and Discipline ("BCGD Proc.Reg.").

{¶ 13} As the board found, the record contains no mitigation evidence that weighs in favor of leniency. In aggravation, we agree that respondent has a significant history of prior misconduct, has committed multiple offenses, has engaged in a pattern of misconduct, and has failed to participate in the disciplinary process. BCGD Proc.Reg. 10(B)(1)(a), (c), (d), and (e). Weighing these factors in combination with his misconduct, relator, the master commissioner, and the board all recommended that respondent be permanently disbarred.

January Term, 2007

{¶ 14} We have repeatedly disbarred attorneys for practicing law while under suspension. See *Disciplinary Counsel v. Henderson*, 108 Ohio St.3d 447, 2006-Ohio-1336, 844 N.E.2d 348; *Disciplinary Counsel v. Jefferson* (1998), 83 Ohio St. 3d 317, 699 N.E.2d 930; *Disciplinary Counsel v. Caywood* (1996), 74 Ohio St.3d 596, 660 N.E.2d 1148. Absent any mitigating circumstances, the penalty for ignoring orders of the court and continuing to practice law while under suspension is disbarment. Disbarment is warranted, and we accept the recommendation to disbar.

{¶ 15} Respondent is therefore permanently disbarred from the practice of law in Ohio. Costs are taxed to respondent.

Judgment accordingly.

MOYER, C.J., PFEIFER, LUNDBERG STRATTON, O'CONNOR, O'DONNELL  
and LANZINGER, JJ., concur.

CUPP, J., not participating.

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Christopher R. Heekin and James K. Rice, for relator.

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